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Attorneys for Defendant AviaGames Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BIG RUN STUDIOS INC. and SKILLZ
PLATFORM INC.,

Plaintiffs,

vs.

AVIAGAMES, INC.,

Defendant.

Case No. 21-cv-04656-EJD

**JOINT STIPULATION TO FILE
AMENDED ANSWER TO FIRST
AMENDED COMPLAINT**

Hon. Edward J. Davila

CASE NO. 21-cv-04656-EJD

JOINT STIPULATION TO FILE AMENDED ANSWER TO FIRST AMENDED COMPLAINT

**TO THE HONORABLE JUDGE, ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:**

Pursuant to Local Rules 7-12 and 10-1, plaintiffs Big Run Studios Inc. and Skillz Platform Inc. (collectively, “Plaintiffs”) and defendant AviaGames Inc. (“AviaGames”), through their respective attorneys, hereby stipulate and declare as follows:

WHEREAS, on December 12, 2022, pursuant to the parties’ stipulation, Plaintiffs filed a First Amended Complaint for Copyright Infringement pursuant to Fed. R. Civ. P. 15(a)(2) (ECF 89);

WHEREAS, on December 20, 2022, AviaGames filed an Answer to the First Amended Complaint (ECF 91);

WHEREAS, Plaintiffs consent to AviaGames’s filing an Amended Answer to the First Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(2), limited to: (a) the addition of further factual allegations to support one or more of its existing affirmative defenses; and (b) the voluntary removal of affirmative defenses;

WHEREAS, AviaGames agrees to file such an Amended Answer by no later than January 17, 2023; and

WHEREAS, this stipulation is without prejudice to Plaintiffs’ right to file a motion to strike one or more affirmative defenses asserted in such an Amended Answer pursuant to Fed. R. Civ. P. 12(f);

NOW THEREFORE, the parties agree and hereby stipulate that:

- (1) Plaintiffs consent to AviaGames’s filing of an Amended Answer to the First Amended Complaint (ECF 89) by no later than January 17, 2023, limited to: (a) the addition of further factual allegations to support one or more of its existing affirmative defenses; and (b) the voluntary removal of affirmative defenses; and

(2) Should Plaintiffs not file an Amended Answer by January 17, 2023, Plaintiffs' deadline to file a motion to strike AviaGames's Answer to the First Amended Complaint (ECF 91) is extended to January 20, 2023.

IT IS SO STIPULATED, through Counsel of Record.

Dated: January 10, 2023

/s/ Todd Anten

Todd Anten (*pro hac vice*)
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Dated: January 10, 2023

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Attorneys for Defendant AviaGames Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

HON. EDWARD J. DAVILA

CASE NO. 21-cv-04656-EJD

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Attestation Pursuant to Civil Local Rule 5-1(h)(3)

I, Todd Anten, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 10, 2023

/s/ Todd Anten

Todd Anten

Attorney for Plaintiffs

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